

DES MOINES CITY COUNCIL MEETING

June 13, 2011

4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Bicycle Friendly Community Award

INVOCATION: Council Member Halley Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	DEN	4369 MERLE HAY RD	C Liquor
(B)	INGERSOLL	3711 INGERSOLL AVE	C Liquor
(C)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(D)	STOCKMANS INN	3000 E GRAND AVE	B Beer
(E)	W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine

RENEWAL APPLICATIONS

(F)	CJS II	316 E 30TH ST	C Liquor
(G)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
(H)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(I)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(J)	HOUSE OF BRICKS	525 E GRAND AVE	C Liquor
(K)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(L)	LA FAVORITA	1700 E GRAND AVE	C Beer
(M)	NEW CHINA BUFFET	1111 E ARMY POST	B Beer
(N)	OKOBOJI GRILL	6050 SE 14TH ST	C Liquor
(O)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor

(P)	OPEN SESAME	313 E LOCUST ST	C Liquor
(Q)	QUIK TRIP #535	1501 E GRAND AVE	C Beer
(R)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(S)	TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	B Beer
(T)	VETERANS MEMORIAL	833 5TH AVENUE	C Liquor

TRANSFER TO NEW LOCATION

- (U) ELWELL FAMILY FOOD CENTER 3000 E GRAND C Liquor
Temporary to the Animal Learning Center for Volks Associations on June 23, 2011.

SPECIAL EVENTS APPLICATIONS

- (V) DES MOINES ARTS FESTIVAL 1501 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 26, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (W) DES MOINES ARTS FESTIVAL 1302 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 26, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (X) DES MOINES ARTS FESTIVAL 1203 LOCUST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 26, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Y) DES MOINES ARTS FESTIVAL 1310 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 26, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Z) DES MOINES ARTS FESTIVAL 1426 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 26, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (AA) GREATER DM MUSIC 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 2 – 4, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (BB) GREATER DSM MUSIC 1418 GRAND AVE Five (5) Day License
Class C Liquor License for 80-35 Concert on July 2 – 4, 2011. Pending approval of
Building, Electrical, Fire and Zoning Departments.
- (CC) GREATER DSM MUSIC 1302 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 2 – 4, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (DD) GREATER DSM MUSIC 1013 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 2 – 4, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.

- (EE) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 24, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
 - (FF) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 17, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
 - (GG) SUMMER JAM/COUNTRY BASH 2201 GEORGE FLAGG Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 25 – 26, 2011.
Pending approval of Building, Electrical, Fire and Zoning Departments.
 - (HH) WATLAO BUDDHAVATH 1804 E PARK AVE Five (5) Day License
Class C Liquor License for a festival on June 24 – 26, 2011. Pending approval of
Building, Electrical, Fire and Zoning Departments.
5. [City](#) Clerk to issue Cigarette Licenses.
 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [E.](#) Indianola Avenue Widening – Phase 2: receiving of bids, (6-21-11), setting date of hearing, (7-11-11), construction estimate \$3,399,618.

([Council Communication No. 11-382](#))
 - (B) [SW](#) 9th Street and Dart Way Intersection Improvements: receiving of bids, (6-21-11), setting date of hearing, (7-11-11), construction estimate \$775,000.

([Council Communication No. 11-376](#))
 - (C) [2011](#) Expanded Street Resurfacing Program Contract 2: receiving of bids, (6-28-11), setting date of hearing, (7-11-11), construction estimate \$2,700,000.

([Council Communication No. 11-374](#))
 - (D) [2011](#) Critical Sanitary Sewer Lining: receiving of bids, (6-28-11), setting date of hearing, (7-11-11), construction estimate \$4,300,000.

([Council Communication No. 11-388](#))

- (E) [Gray's](#) Lake Shoreline Restoration: receiving of bids, (6-28-11), setting date of hearing, (7-11-11), construction estimate \$202,000.

[\(Council Communication No. 11-380\)](#)

- 8. Approving the following items regarding Citywide Fixed-Time Traffic Signal Upgrading project:

- (A) [Iowa](#) Department of Transportation Agreement.

[\(Council Communication No. 11-379\)](#)

- (B) [Ordering](#) construction of Citywide Fixed-Time Traffic Signal Upgrading project: receiving of bids, (6-21-11), setting date of hearing, (7-11-11), construction estimate \$440,000.

[\(Council Communication No. 11-383\)](#)

- 9. [Reject](#) all bids on Tonawanda Drive Ravine Improvements.

[\(Council Communication No. 11-377\)](#)

- (A) [Ordering](#) construction of Tonawanda Drive Ravine Improvements: receiving of bids, (6-28-11), setting date of hearing, (7-11-11), construction estimate \$2,268,000.

[\(Council Communication No. 11-375\)](#)

- 10. [Reject](#) all bids on Demolition at 717 Grand Avenue Former YWCA and authorize the City Engineer to redesign the project for rebidding.

[\(Council Communication No. 11-378\)](#)

- 11. [Approving](#) additional FY2013 Traffic Safety Fund Application to Iowa Department of Transportation for Hubbell Avenue "Four-Lane to Three-Lane Conversion" Project, including bicycle lanes.

[\(Council Communication No. 11-358\)](#)

- 12. [Approving](#) First Amendment to Reimbursement Agreement with MCI Communications Services, Inc. for relocation of fiber optic line at I-235 Dean's Lake Storm Sewer Outlet Phase 2 project, not to exceed \$12,804.20.

[\(Council Communication No. 11-354\)](#)

13. [Authorization](#) to proceed with the 2011-2012 Sidewalk Program.

[\(Council Communication No. 11-353\)](#)

14. [Approving](#) Federal Aviation Administration AIP Grant Agreement to reconstruct parallel Taxiway Delta and connecting Taxiways Bravo and Charlie, Phase 1 – design only, at the Des Moines International Airport.

[\(Council Communication No. 11-384\)](#)

15. [Approving](#) Change Order No. 5 with Cramer & Associates, Inc. for additional work on SW 8th Street Viaduct over ML King Jr. Parkway Rehabilitation project, not to exceed, \$143,651.65.

[\(Council Communication No. 11-359\)](#)

16. [Receipt](#) of communication from contractors requesting permission to sublet certain items on public improvement projects.

17. [Accepting](#) completed construction and approving final payment for 2011 Golf Course Repairs, T & A Turf and Irrigation LLC.

SPECIAL ASSESSMENTS

18. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-07.

19. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of Neighborhood Inspection Rental Code, Schedule No. 2011-04.

20. [Approving](#) deletion of NAC- Emergency Assessment at 1323 E. 28th Street.

21. [Approving](#) waiver of special assessments and City inspection fees to allow for redevelopment of 3125 Kingman Blvd. and 1147 27th Street.

[\(Council Communication No. 11-347\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. [Recommendation](#) from Council Member Halley Griess to appoint Cindy Smith to the Zoning Board of Adjustment, Seat 4, for a five-year term commencing April 1, 2011 to expire April 1, 2016.
23. [Communication](#) from Mary Harlan, advising of her resignation from the Public Housing Board, Seat 1, effective June 30, 2011.

SETTING DATE OF HEARINGS

24. [On](#) vacation and conveyance of remaining public alley right-of-way in the block bound by Vine, Water, Market and SW 2nd Streets to Waterfront Lodging, Inc. for \$39,856, subject to conditions (6-27-11).
25. [On](#) vacation and lease of alleys adjoining 1312 and 1408 Locust Street to Westgate Partnership, LLC, subject to conditions (6-27-11).
26. [On](#) request from QuikTrip Corporation to rezone property at 2300 E. 14th Street from Ltd. "C-1" (Neighborhood Retail Commercial) to "C-1", (6-27-11).
27. [On](#) request from HDR Land Development, LLC to amend The Woods of Copper Creek PUD Conceptual Plan (4600 block of Easton Blvd.) revising the southeastern five acres removing it from Area "C" for multiple-family and adding to Area "A" for single-family development, subject to conditions, (6-27-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment of \$3,115.91 (City's share) to Husch Blackwell LLP for services related to levee system issues.
29. [Approving](#) payment of \$4,951.66 to Hansen, McClintock & Riley for representation of Officer John Mailander.
30. [Approving](#) payment of \$9,224.33 to Anthony Russo for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for Darlene Blake, Lawrence McDowell, Eric Nevins, Kerri Przybylski and Vidal Spaine.

[\(Council Communication No. 11-349\)](#)

APPROVING

32. Major Amendment of the Community Development Block Grant Housing Disaster Recovery (CDBG-DR) Fund Contract with Iowa Department of Economic Development – IDED (Contract Number 08-DHR-209).

(A) [#7](#).
([Council Communication No. 11-344](#))

(B) [#11](#).
([Council Communication No. 11-343](#))

33. City HOME Funds for the following:

([Council Communication No. 11-345](#))

(A) [Capitol](#) City Duplexes, LLLP for a Low-Income Housing Tax Credit rehabilitation of 16 units of family housing at scattered sites, \$198,040.

(B) [Des](#) Moines Greystone Homes, LP for a Low-Income Housing Tax Credit on the construction of 26 units of single-family housing at scattered sites, \$150,000.

(C) [Silver](#) Oaks Associates, LP for a Low-Income Housing Tax Credit on the construction of 39 units of senior housing at 979 Oakridge Drive, \$195,000.

34. [Removal](#) of requested properties from the Polk County Tax Certificate Sale for future development of housing.

([Council Communication No. 11-369](#))

35. [Agreements](#) for assignment of tax sale certificates with Greater Des Moines Habitat for Humanity Inc. and Home Opportunities Made Easy (HOME) Inc. for development of low to moderate-income owner-occupied housing.

([Council Communication No. 11-368](#))

36. Number Not Used.

37. [Amendment](#) of Schedule of Fees applicable to sidewalk Café Lease and License Agreements.

([Council Communication No. 11-346](#))

38. [Extension](#) of Municipal Parking Facilities Management Services Agreement with Ampco System Parking through June 30, 2012.

[\(Council Communication No. 11-357\)](#)

39. [Metropolitan](#) Planning Organization (MPO) Work Plan for Fiscal Year 2011-2012 and authorizing payment of FY 2012 Assessment.

[\(Council Communication No. 11-355\)](#)

40. [Communication](#) from Downtown Community Alliance, on behalf of Hy-Vee Triathlon, to approve banner design to be displayed downtown on Locust Street Bridge in August.

41. [Communication](#) from Downtown Community Alliance, on behalf of Meredith Corporation, to approve banner design to be displayed in downtown Des Moines on Locust Street in summer 2011.

42. [Request](#) for Proposal (RFP) seeking a qualified License Plate Reader vendor.

[\(Council Communication No. 11-367\)](#)

43. Bids from the following:

- (A) [Mongan](#) Painting (Rick Mongan, President) for repair and refurbishment services to the rocket slide at Union Park for use by the Park & Recreation Department, \$27,969. (Five bids mailed, three received).
- (B) [Windstream](#) Communications (Jeff Gardner, President) for a thirty-six (36) month agreement with three (3) additional twelve (12) month renewal options to provide broadband internet access for use by the IT Department, annual cost \$38,784. (Five bids mailed, four received).

[\(Council Communication No. 11-361\)](#)

- (C) [Sandry](#) Fire Supply (Mary Sandry, President) for an annual contract with two (2) additional one-year renewal options to furnish fire service bunker coats and pants for use by the Fire Department, annual estimated cost \$100,000. (Thirteen bids mailed, four received).

[\(Council Communication No. 11-365\)](#)

- (D) [Vital](#) Support Systems (Jeff Sparling, CEO) and CDW Government (Chris Rother, President) for Hewlett Packard servers and storage system for desktop virtualization for use by the IT Department, \$102,557.44. (Eight bids mailed, two received).

[\(Council Communication No. 11-372\)](#)

- (E) [Mohawk](#) Lifts (Steve Perlstein, Owner & General Sales Manager) for one replacement vehicle lift system per State of Iowa Contract for use by the Fire Department, \$42,245.90.

[\(Council Communication No. 11-348\)](#)

- (F) [MTI](#) Distributing (Michael E. Anderson, President) for two (2) replacement commercial zero turn mowers per State of Iowa Contract for use by the Park & Recreation Department, \$85,842.

[\(Council Communication No. 11-350\)](#)

- (G) [GameTime](#) (Robert Farnsworth, President) for playground equipment per US Communities Contract for use by the Park & Recreation Department, \$38,584.94.

[\(Council Communication No. 11-364\)](#)

- (H) [Trans-Iowa](#) Equipment (Eric Thorson, General Manager) for three (3) replacement mechanical broom street sweepers per National Joint Powers Alliance (NJPA) Contract for use by Fleet Maintenance, \$488,450.

[\(Council Communication No. 11-351\)](#)

- (I) [Vermeer](#) Corporation (Mary Andringa, President) for two (2) replacement wood chippers per National Joint Powers Alliance (NJPA) Contract for use by Fleet Maintenance, \$82,916.

[\(Council Communication No. 11-352\)](#)

- (J) [Westnet](#) (Richard Matheny, President), as manufacturer and sole area wide distributor of upgrades to existing stations alerting system for use by the Fire Department, \$55,139.82.

[\(Council Communication No. 11-373\)](#)

- (K) [Hewlett](#)-Packard Co. (Mark Hurd, President) for annual maintenance and support of existing Hewlett Packard Storage Area Network Servers (SANS) mass storage system per Western States Contracting Alliance (WSCA) price agreement for use by the IT Department, \$64,813.52

[\(Council Communication No. 11-366\)](#)

- (L) [Ed](#) Stivers Ford (Scott Politte, General Manager) for annual contract with two (2) additional one-year renewal options to furnish Ford Motor Vehicle repair services for use by the Equipment Maintenance Center, annual estimated cost \$35,000. (Four bids mailed, two received).

- 44. [Civil](#) Service Promotional Lists for Senior Clerk and Park Construction Technician and Entrance List for WRF Operations Supervisor.
- 45. [Authorizing](#) and providing for issuance of \$45,520,000 General Obligation Bonds, Series 2011A, and levying a tax.
- 46. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 13 and June 20, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 13 and June 20, 2011; and to draw checks for biweekly payroll due July 1, 2011.

ORDINANCES - FINAL CONSIDERATION

- 47. [Amending](#) Chapter 10 of the Municipal Code, regarding Class E Liquor Licenses, (amendment required due to recent State Code changes).

* * * * * END CONSENT AGENDA * * * * *

ORDINANCES - FIRST CONSIDERATION

- 48. [Amending](#) Chapter 26 of the Municipal Code regarding design and enclosures of swimming pools, spas and hot tubs.

[\(Council Communication No. 11-390\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

49. Items regarding Dog Parks in Des Moines:

[\(Council Communication No. 11-363\)](#)

- (A) [First](#) consideration of ordinance allowing dogs to be off-leash in designated areas.
 - (1) [Final](#) consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes.
- (B) [Approving](#) Rules for Dog Parks.
- (C) [Approving](#) amendment to the Schedule of Fees, establishing fees for purchase of Dog Park permits.

[\(Council Communication No. 11-362\)](#)

- (D) [Approving](#) bid from Des Moines Steel Fence (Douglas Ayers, President), for fencing services for the Ewing Dog Park for use by the Park and Recreation Department, \$47,823. (Eight bids mailed, three received).

COUNCIL REQUESTS

- 50. [From](#) Council Member Skip Moore to discuss the Woodland Restoration Fund.

COMMUNICATIONS/REPORTS

- 51. [From](#) Joe Galloway, Chair of Park and Recreation Board, regarding proposed “Walk 100 Miles” program.
- 52. [Communication](#) from William Lillis and Chris Pose, attorneys for 3801 LLC (Rich Eychaner), regarding possible Development Agreement for property on the northeast corner of Merle Hay Road and Douglas Avenue.
- 53. [Communication](#) and petition regarding Beaver Avenue Reconstruction Project and removal of sidewalk from the east side of Beaver.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 54 THRU 60)

54. [On](#) conveyance of permanent water main easements across various city-owned properties to Des Moines Water Works, \$1.
55. [On](#) conveyance of overhead and underground electric line easements on various City-owned properties to MidAmerican Energy Company, \$1.
56. [On](#) conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200 and **to continue to June 27, 2011 at 5:00 PM.**

[\(Council Communication No. 11-389\)](#)

57. [On](#) 2011 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$416,889.

[\(Council Communication No. 11-387\)](#)

(A) [Approving](#) contract and bond, and permission to sublet.

58. [On](#) 2011 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), \$265,725.

[\(Council Communication No. 11-386\)](#)

(A) [Approving](#) contract and bond, and permission to sublet.

59. [On](#) 3rd & Court Parking Garage LED Lighting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as ABC-Electrical Contractors, LLC (W. Dave Ward, President/CEO), \$279,780.

[\(Council Communication No. 11-385\)](#)

(A) [Approving](#) contract and bond, and permission to sublet.

60. [On](#) Fire Station Emergency Generator, HVAC, and Sprinkler Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Biermann's University Electric Company, Inc., (Gary P. Cornelius, President), \$656,763.

[\(Council Communication No. 11-381\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

*** END OF HEARINGS AT _____ PM ***

APPROVING

61. [Adoption](#) of Bicycle and Trail Master Plan as an element of the 2020 Community Character Plan and authorize City Manager to appoint an advisory committee to coordinate fundraising and implementation strategy.

[\(Council Communication No. 11-360\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.

62. [Urban](#) Renewal Development Agreement with Kemin Industries, Inc. for expansion of World-wide Corporate Headquarters and Corporate Campus, 2100 Maury Street.

[\(Council Communication No. 11-391\)](#)

63. Items regarding Declaration of approximately 1.8 acres of cemetery land located in Glendale Cemetery as excess property:

- (A) [Receive](#) and file Park Board Resolution **NOT IN FAVOR** of Declaration as excess property.

- (B) [Receive](#) and file Park Board Letter advising reasons **NOT IN FAVOR** of Declaration of excess property.

- (C) [Approving](#) Declaration of excess property.

[\(Council Communication No. 11-393\)](#)

64. [Diminution](#) of two positions within the Community Development Department.

[\(Council Communication No. 11-392\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
 - (A) [728](#) E. Border Street, (Warren County), main structure, garage structure, and accessory structure, Titleholder: Gary Reeser.
 - (B) [3400](#) Easton Blvd., main structure and garage structure, Titleholder: Anthony Golob, Mortgage Holder: Allied Group Mortgage n/k/a Nationwide Advantage Mortgage Company.

MOTION TO ADJOURN.

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